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*Intellectual Property Law*

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**SEP 26 2005**

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PLEASE DIRECT CORRESPONDENCE TO OUR WARRENTON OFFICE

**FACSIMILE TRANSMISSION COVER SHEET**

DATE: September 26, 2005

TO: Examiner Louise N. Leary  
Group Art Unit: 1655  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 10/681,352  
For: DIAGNOSTIC METHOD OF SELECTING APPROPRIATE CANCER  
TREATMENTS AND SCREENING METHOD OF MEASURING REAGENTS  
AND CURATIVE MEDICINES FOR CANCER PATIENTS  
Our Ref: 3190-044

FROM: Luke A. Kilyk, Esq. 

FAC. TEL. NO.: 1-571-273-8300

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 15

Items Attached: Amendment -- 12 pages  
Fee Transmittal -- 1 page  
Credit Card Payment Form -- 1 page

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on September 26, 2005.

Kim Blum  
Name of Person signing Certificate

  
Signature

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SEP 26 2005

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$400.00)****Complete if Known**

Application Number	10/681,352
Filing Date	October 8, 2003
First Named Inventor	Kyoji OGOSHI
Examiner Name	Louise N. Leary
Art Unit	1655
Attorney Docket No.	3190-044

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit  
Account  
Number  
Deposit  
Account  
Name

50-0925

Kilyk &amp; Bowersox, P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1011	300		2011	150		Utility filing fee	
1012	200		2012	100		Design filing fee	
1013	200		2013	100		Plant filing fee	
1014	300		2014	150		Reissue filing fee	
1005	200		2005	100		Provisional filing fee	

**SUBTOTAL (1) (\$0.00)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	20** =	X	
Multiple Dependent	3** =	X	
5	2	200.00	400.00

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	50		2202	25		Claims in excess of 20	
1201	200		2201	100		Independent claims in excess of 3	
1203	360		2203	180		Multiple dependent claim, if not paid	
1204	200		2204	100		**Reissue independent claims over original patent	
1205	50		2205	25		**Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) (\$400.00)**

\*\* or number previously paid, if greater; For Reissues, see above

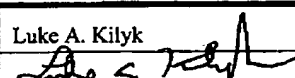
**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130		2051	65		Surcharge - late filing fee or oath	
1052	50		2052	25		Surcharge - late provisional filing fee or cover sheet	
1053	130		1053	130		Non-English specification	
1812	2,520		1812	2,520		For filing a request for ex parte reexamination	
1804	920*		1804	920*		Requesting publication of SIR prior to Examiner action	
1805	1,840*		1805	1,840*		Requesting publication of SIR after Examiner action	
1251	120		2251	60		Extension for reply within first month	
1252	450		2252	225		Extension for reply within second month	
1253	1020		2253	510		Extension for reply within third month	
1254	1590		2254	795		Extension for reply within fourth month	
1255	2,160		2255	1,080		Extension for reply within fifth month	
1401	500		2401	250		Notice of Appeal	
1402	500		2402	250		Filing a brief in support of an appeal	
1403	1,000		2403	500		Request for oral hearing	
1451	1,510		1451	1,510		Petition to institute a public use proceeding	
1452	500		2452	250		Petition to revive - unavoidable	
1453	1,600		2453	750		Petition to revive - unintentional	
1501	1,400		2501	700		Utility issue fee (or reissue)	
1502	800		2502	400		Design issue fee	
1503	1,100		2503	550		Plant issue fee	
1460	130		1460	130		Petitions to the Commissioner	
1807	50		1807	50		Processing fee for provisional applications	
1808	180		1808	180		Submission of Information Disclosure Stmt	
8021	40		8021	40		Recording each patent assignment per property (times number of properties)	
1809	790		2809	395		Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790		2810	395		For each additional invention to be examined (37 CFR 1.129(b))	
1801	790		2801	395		Request for Continued Examination (RCE)	
1802	900		1802	900		Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$0.00)****SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Luke A. Kilyk	Registration No. (Attorney/Agent)	33,251	Telephone	1-540-428-1701
Signature				Date	September 26, 2005

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

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Kim Blum

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Kim Blum  
Name (Print)

  
Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Kyoji OGOSHI	)	Examiner:	Louise N. Leary
		)		
Application No.:	10/681,352	)	Group Art Unit:	1655
		)		
Filed:	October 8, 2003	)	Confirmation No.:	8311
		)		
Docket No.:	3190-044	)	Customer No.:	33432

For: DIAGNOSTIC METHOD OF SELECTING APPROPRIATE CANCER TREATMENTS AND  
SCREENING METHOD OF MEASURING REAGENTS AND CURATIVE MEDICINES  
FOR CANCER PATIENTS

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 26, 2005

Sir:

This Amendment is in response to the Office Action dated July 1, 2005, for which the Examiner has set a three-month period for response, thus making the response due on or before October 1, 2005.

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.

09/27/2005 MBINAS 00000034 10681352

01 FC:1201

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